

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Musa Elshingety

Cr.: 08-50-01

Name of Judicial Officer: William H. Walls, U.S.D.J.

Date of Original Sentence: 05/22/2003

Original Offense: Healthcare Fraud (5 counts)

Original Sentence: 18 months imprisonment followed by 3 years of supervised release.

Violation Sentence: 6 months imprisonment followed by 2 ½ years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 06/07/2007

PETITIONING THE COURT

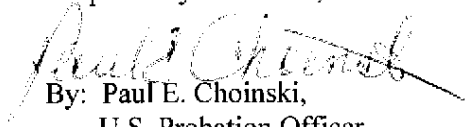
[X] To modify the conditions of supervision as follows:

The defendant is to be confined to his residence for a period of 2 months commencing at the direction of the U.S. Probation Office. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The costs of electronic monitoring, specifically \$3.18 per day, are waived.

CAUSE

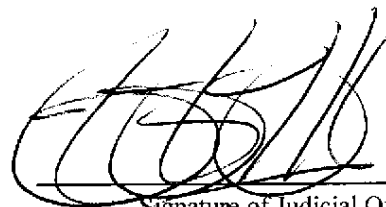
On February 25, 2008, the releasee was arrested by officers of the Livingston Police Department and charged with driving while intoxicated and the lesser offenses of not wearing a seatbelt, careless driving and failure to maintain lane. Although the matter is pending in the Livingston Municipal Court, the offender admitted to probation officials that he was intoxicated on the date in question.

Respectfully submitted,


By: Paul E. Choinski,
U.S. Probation Officer
Date: 03/12/08

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other



Signature of Judicial Officer



Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

March 14, 2008

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICERS
MATTHEW F. MILLER
THOMAS C. MILLER

SUPERVISION UNIT
20 WASHINGTON PLACE
6TH FLOOR
NEWARK, NJ 07102-3172
(973) 645-6161
FAX: (973) 645-2155

www.njp.uscourts.gov

The Honorable William H. Walls, U.S.D.J.
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street, Room 2564
P.O. Box 999
Newark, New Jersey 07102-0999

RE: U.S. v. Musa Elshingety
Dkt. No. 08-50-01

**Notice of Non-Compliance & Request for
Modification of Supervision Conditions**

Dear Judge Walls:

On May 22, 2003, Musa Elshingety was originally sentenced in the Eastern District of Virginia by the Honorable Richard L. Williams, to concurrent 18 month prison terms for five counts of healthcare fraud. Judge Williams ordered Elshingety to serve a three year period of supervised release, pay a \$500 special assessment and \$104,280.80 in restitution. Elshingety was also ordered to abide by the special conditions of full financial disclosure and no new debt/lines of credit. On September 7, 2004, Elshingety was released to the Northern District of New York and his period of federal supervision commenced. On January 17, 2007, Elshingety's term of supervised release was revoked after he failed to report to the probation office, failed to pay restitution, and for failing to notify the probation office within 72 hours of a change in residence or employment. The offender was subsequently sentenced to an additional six months imprisonment followed by two and one half years of supervised release. On June 7, 2007, Elshingety was released to this district and his second period of federal supervision commenced. In January 2008, jurisdiction of this matter was transferred from the Eastern District of Virginia to the District of New Jersey.

The purpose of this letter is to report Elshingety's non-compliance with the conditions of his supervision and to request a modification of those conditions. On February 25, 2008, Elshingety was arrested by officers of the Livingston Police Department and charged with driving while intoxicated. Although this matter is pending in the Livingston Municipal Court, the offender readily admitted to probation officials that he was intoxicated on the date in question.

Given the facts of this case, and taking into consideration the nature of the violation, it appears that a violation hearing is not warranted at this time. However, we are recommending that an immediate sanction be imposed based on the seriousness of the violation thus avoiding court proceedings. We recommend that the Court approve a sentence modification to include a two month period of home confinement with electronic monitoring. Be assured that the probation office will

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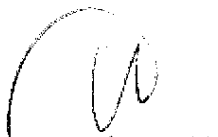
continue to monitor the releasee's alcohol use and refer him to counseling or Alcoholics Anonymous if necessary.

As indicated by the enclosed Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*, Elshingety has agreed to the modification and has waived his right to a hearing. Therefore, unless Your Honor considers otherwise, we ask that you review the enclosed documents and sign the Probation Form 12B authorizing the modifications. If Your Honor requests an alternative course of action, please advise. We will make ourselves available should the Court wish to discuss this matter.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer


By: Paul E. Choinski
U.S. Probation Officer


Enclosure(s)

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

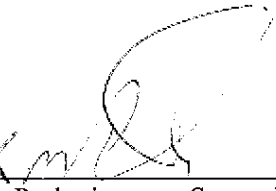
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Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

3/3/08
DATE